

9. Lawrence
#9
2-1-02

RESPONSE UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE
ART UNIT 1743

DO NOT ENTER

OK TO ENTER

~~OK TO ENTER~~

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William Kopaciewicz, et al.

Serial No. : 09/659,241

Filed : September 11, 2000

For : HIGH DENSITY CAST-IN-PLACE SAMPLE PREPARATION
CARD

Examiner : Ludlow, J.

Art Unit : 1743

Attorney

Docket No. : MCA-463

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

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lope addressed to: Commissioner of Patents
and Trademarks, Washington, D. C. 20231,
on January 9 2002 (Date)

Kevin S. Lemack
Name of applicant, assignee, or Registered
Representative

[Signature]
Signature

January 9 2002
Date

REMARKS

The Office Action dated November 2, 2001 has been received and carefully studied.

The Examiner maintains the rejection of claims 1-20, 22-24 and 31-34 under 35 U.S.C.
§102(b) as being anticipated by Fernwood et al., or alternatively under 35 U.S.C. §103(a) as
being unpatentable over Fernwood et al.

The Examiner is respectfully requested to reconsider her position.

The Examiner states that Fernwood teaches a device having sample reservoirs 12,
collection reservoirs 20, filtration substrate 13 and spouts 14 fixed together with screws and
latches. The Examiner considers the filter portions to be of the same thickness as the rest of the
sheet, and that the adsorbent filters (TEFLON or TEFLON coated with diatomaceous earth) are

inherently functionalized to be adsorbent. The Examiner considers the diatomaceous earth particles to be entrapped in the porous matrix.


It is now clear from the Office Action that the Examiner considers the language at column 3, lines 25-30 of Fernwood et al. to mean that the porous filtration substrate 13 can fill the sample reservoirs 12. Applicants respectfully but vigorously disagree. The circular regions referred to in Fernwood et al. are porous portions, aligned with each well, formed in the nonporous film. There is no disclosure or suggestion whatsoever that the filtration substrate fills the well. Indeed, Fernwood et al. clearly state that the circular embodiment involves a nonporous film or sheet the same size as the membrane shown, but containing porous circular regions aligned with each aperture. Accordingly, Fernwood et al. do not disclose or suggest structures having the instantly claimed aspect ratio, and in fact teach away from such a suggestion.

The Examiner rejects claims 2 and 10 under 35 U.S.C. §103(a) as being unpatentable over Fernwood and further in view of Foltz, and claim 21 as being unpatentable over Fernwood and further in view of Bowers et al.

These claims are believed to be allowable by virtue of their dependence for the reasons articulated above.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,


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FACSIMILE TRANSMITTAL LETTER

PAGE 1 OF 4

Resent

1-30

(703) 305-7718

DATE: January 29, 2002

TO: Examiner Jan Ludlow

RE: Applicants : William Kopaciewicz, et al.
U.S. Serial No.: 09/659,241
Filing Date: September 11, 2000
Our Ref: MCA-463

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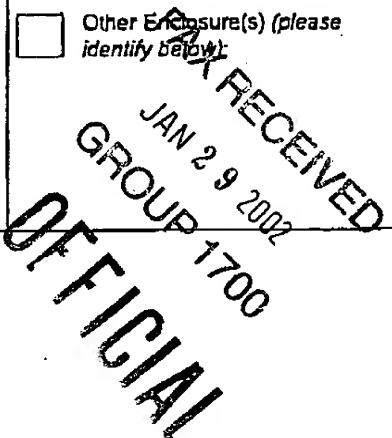
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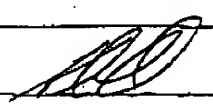
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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>	Application Number	09/659,241	
	Filing Date	September 11, 2000	
	First Named Inventor	William Kopacięwicz	
	Group Art Unit	1743	
	Examiner Name	Ludlow, J.	
Total Number of Pages in This Submission	3	Attorney Docket Number	MCA-463

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div style="text-align: center;">  </div>		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Kevin S. Lemack Niels & Lemack
Signature	
Date	January 9, 2002

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Signature		Date	January 9, 2002

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